DOCKET NO: 277513US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
NORIYUKI SAKOH, ET AL.	: EXAMINER: JACOB, A.
SERIAL NO: 10/566,630	:
FILED: JANUARY 31, 2006	: GROUP ART UNIT: 2161
FOR: DATA DISPLAY CONTROL DEVICE	:

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the decision of the Examiner dated December 16, 2008 which finally rejected Claims 1, 3-11, and 13-18 in the above-identified patent application. A Notice of Appeal was timely filed on March 12, 2009.

I. REAL PARTY-IN-INTEREST

The real party-in-interest is Sony Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative, and the assignees are aware of no appeals which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1, 3-11, and 13-18 have been finally rejected and Claims 2, 12, and 19 have

been canceled without prejudice or disclaimer. The rejection of Claims 1, 3-11, and 13-18

form the basis for this appeal. Appendix VIII includes a clean copy of Claims 1, 3-11, and

13-18.

IV. STATUS OF AMENDMENTS

No amendment after final rejection has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to a data display control device including a database,

search means, a hardware display, control means, and scrolling means. The database stores a

plurality of text data with at least a first length (hard drive 21, Figure 5, paragraph 84 of the

publication). The search means are for searching the database for at least one piece of text

data with the first length based on an input search key (database access module 40, Figure 7,

paragraph 84 of the publication). The hardware display includes a display area configured to

display text data from the database, the display area having a width (display 17, Figure 12,

paragraph 44 of the publication). The control means are for obtaining partial text data with a

second length that is smaller than the first length and corresponding to the width of the

display area, out of the at least one piece of text data found by the search means, from the

database, and to display the partial text data on the display area (CPU 11, Figure 5, paragraph

90 of the publication). The scrolling means are for horizontally scrolling display of the

partial text data and remaining text data on the display area after receiving a command from a

user, the remaining text data being all the text data other than the partial text data (CPU 11,

Figure 5, paragraph 92 of the publication). The scrolling means obtains the remaining text

data from the database and automatically horizontally scrolling the remaining text data after

the partial text data (Figure 13, paragraph 92 of the publication). The scrolling means

automatically vertically scrolls other pieces of text data after automatically horizontally

scrolling the remaining text data after the partial text data (Figure 14, paragraph 93 of the

publication).

Independent Claim 5 is directed to a data display control method including searching

a database for at least one piece of text data out of text data with a first length, based on an

input search key, the database storing a plurality of text data with at least the first length (step

SP4, Figure 8, paragraphs 83-84); obtaining partial text data with a second length that is

smaller than the first length and corresponding to a width of a display, out of the at least one

piece of text data found in the searching, from the database, and to display the partial text

data on the display in a display area having a height of one line of text data (step SP7, Figure

8, paragraphs 88-91); horizontally scrolling display of the partial text data and remaining text

data on the display area after receiving a command from a user, the remaining text data being

all the text data other than the partial text data (paragraph 92), the horizontally scrolling

including obtaining the remaining text data from the database and automatically horizontally

scrolling the remaining text data after the partial text data (paragraph 92); and automatically

vertically scrolling other pieces of text data after automatically horizontally scrolling the

remaining text data after the partial text data (paragraph 93).

Independent Claim 6 is directed to a computer readable medium including computer

executable instructions, wherein the instructions, when executed by a processor, cause the

processor to perform a method. The method includes searching a database for at least one

piece of text data out of text data with a first length, based on an input search key, the

database storing a plurality of text data with at least the first length(step SP4, Figure 8,

paragraphs 83-84); obtaining partial text data with a second length that is smaller than the

first length and corresponding to a width of a display, out of the at least one piece of text data found in the searching, from the database, and to display the partial text data on the display in a display area having a height of one line of text data (step SP7, Figure 8, paragraphs 88-91); horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data (paragraph 92), the horizontally scrolling including obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data (paragraph 92); and automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data (paragraph 93).

Independent Claim 11 is directed to a data display control device including a database, a search unit, hardware display, a control unit, and a scrolling unit. The database is configured to store a plurality of text data with at least a first length (hard drive 21, Figure 5, paragraph 84). The search unit is configured to search the database for at least one piece of text data with the first length based on an input search key (database access module 40, Figure 7, paragraph 84). The hardware display includes a display area configured to display text data from the database, the display area having a width (display 17, Figure 12, paragraph 44). The control unit is configured to obtain partial text data with a second length that is smaller than the first length and corresponding to the width of the display area, out of the at least one piece of text data found by the search unit, from the database, and to display the partial text data on the display area (CPU 11, Figure 5, paragraph 90). The scrolling unit is configured to horizontally scroll display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data (CPU 11, Figure 5, paragraph 92). The scrolling unit is configured to obtain the remaining text data from the database and to automatically

horizontally scroll the remaining text data after the partial text data (paragraph 92). The

scrolling unit is configured to automatically vertically scroll other pieces of text data after

automatically horizontally scrolling the remaining text data after the partial text data

(paragraph 93).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

(a) whether Claims 1, 3, 5-7, 11, 13, and 15 are anticipated under 35 U.S.C. §102(b)

by Odamura (U.K. Patent Application Publication No. 2 360 912); and

(b) whether Claims 4, 8-10, 14, and 16-18 are unpatentable under 35 U.S.C. §103(a)

over Odamura in view of Negishi et al. (U.S. Patent No. 6,504,089, hereinafter "Negishi").

VII. ARGUMENTS

A.   Claims 1, 3, 5-7, 11, 13, and 15 are not anticipated by Odamura

Claim 1 recites in part:

> *scrolling means for horizontally scrolling display of*
> *the partial text data and remaining text data on the display*
> *area after receiving a command from a user, the remaining*
> *text data being all the text data other than the partial text*
> *data, the scrolling means obtaining the remaining text data*
> *from the database and automatically horizontally scrolling*
> *the remaining text data after the partial text data, the*
> *scrolling means automatically vertically scrolls other pieces*
> *of text data after automatically horizontally scrolling the*
> *remaining text data after the partial text data.*

Odamura describes a client terminal 204 that downloads web pages from a server over

the Internet for display on a display of a terminal 204. If a webpage is too tall to display on

the display of the terminal, the client terminal breaks up the webpage vertically into multiple

pages.[1] The additional pages are stored at a base station until the client terminal requests the additional pages.[2]

The outstanding Office Action cited the client terminal 204 breaking up a webpage into multiple pages of Odamura as "control means" as recited in Claim 2.[3] However, it is respectfully submitted that Odamura only describes a device for breaking up a webpage in the *vertical* direction (and *not* the horizontal direction) into multiple web pages and providing these webpages when requested. Thus, Odamura does not teach any means for *horizontally scrolling* display of the partial text data *and* remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling means obtaining the remaining text data from the database and *automatically horizontally scrolling the remaining text data after the partial text data* as recited in Claim 1. Further, Odamura does not teach any means for *automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data*. In fact, it is respectfully submitted Odamura does not teach any means for *automatically* scrolling data. Moreover, no portion of Odamura was cited as describing *automatic* scrolling. The fact that Odamura may describe manually vertically scrolling data based on a user control of a cursor[4] does not teach or suggest *automatically* scrolling, either vertically or horizontally. For example, Odamura does not provide any indication of how fast any *automatic* scrolling would be done to ensure a user can read all of the information shown. Accordingly, it is respectfully submitted that Odamura only describes manual scrolling.

In response, the outstanding Office Action asserts "Odamura et al. clearly teaches the ability to display data larger than a set length [page 12, lines 4-21] and the ability to scroll a

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[1]See Odamura, page 23, line 2 to page 24, line 3 and Figures 8-11.
[2]See Odamura, page 12, lines 4-21.
[3]See the outstanding Office Action at page 4, lines 12-18.
[4]See Odamura, page 24, lines 12-14.

data if it is longer than the available display are and turning pages [Figure 12]. Figure 12

clearly states the ability of the scrolling function, which could either be vertical or horizontal.

Odamura et al. also teaches the automatic scrolling of pages horizontally and vertically since

the scrolling is based on calculation of load performed before the action, and performed

thereafter [page 12, lines 4-21]. Applicant argues the lack of horizontal scrolling, but the

rejection is maintained due to the reference's ability to display text based on load [page 12,

lines 4-21], which could extend beyond screen size, which would require horizontal

scrolling."

It is agreed that Odamura describes the ability to display data longer than a set length,

as Odamura describes breaking a large page up into smaller pages. A user can then decide

whether to scroll pages or turn pages (replace the existing page with a whole new page). It is

respectfully noted that Figure 12 of Odamura illustrates a method where the described device

determines if a user has inputted a scroll page command or a page turn command. Thus, not

only does Figure 12 *not* describe automatic scrolling, it explicitly teaches to the contrary. If

the described device automatically scrolled, there would be no point including step S341, as

the user would not be choosing between page scrolling or turning. Therefore, Odamura does

not teach or suggest, either explicitly or inherently, any automatic scrolling, much less

automatically vertically scrolling other pieces of text data after automatically horizontally

scrolling the remaining text data after the partial text data.

Further, the description in Odamura of breaking a page in the *vertical* direction into

multiple pages does not in any way teach or suggest *horizontal* scrolling.

Finally, with regard to the assertion that Odamura teaches automatic scrolling, it is

respectfully noted that page 12, lines 4-21 only describes that a large data set can be broken

up into multiple pages, and the pages can be sent individually to reduce the transmission

mode. This can be done as a user inputs a page turn command. Accordingly, not only does

Odamura fail to explicitly describe automatic scrolling, Odamura can not inherently teach automatic scrolling, as the device of Odamura does not *necessarily* automatically scroll. Well settled case law holds that "the extrinsic evidence 'must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *Inherency, however, may not be established by probabilities or possibilities.* The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (Emphasis added.). In the present case, it is respectfully submitted that the device of Odamura does not *necessarily* automatically vertically scroll other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data, and evidence or reasoning supporting the assertion that this feature in as great a detail as claimed is necessarily present in Odamura has not been provided.

The Advisory Action dated February 27, 2009 asserted that "The reference clearly teaches the determination of scrolling done by the client itself based on display capacity [page 22, lines 5-11]. This provides evidence for Figure 12 to prove that user input or determination is not necessary for scrolling, thus making it automatic. Odamura et al. also clearly teaches the display transmitting data for scrolling until the defined greatest amount of data is reached and the scrolling to next page [page 12, lines 4-21]. Figure 12 also shows the scrolling to nextpage feature. Since the automatic scrolling is taught by the reference and the maximum amount of data on one page and scroll to next page is defined, the reference clearly teaches over the instant application's claim language."

However, page 22, lines 5-11 of Odamura only describes that the base station breaks up a page based on the display capacity. There is no discussion of scrolling of any kind. Further, as clearly taught by Figure 12 of Odamura, step S341 waits for a user command to

scroll or turn the page, and thus the assertion "This provides evidence for Figure 12 to prove

that user input or determination is not necessary for scrolling, thus making it automatic" in

the Advisory Action is clearly not true. Page 12, lines 4-21 also describes that the base

station breaks a page into multiple pages and sends each page *when the client terminal*

requests it (page 12, lines 17-19), not automatically.

Accordingly, not only does Odamura fail to necessarily include "scrolling means

automatically vertically scrolling other pieces of text data after automatically horizontally

scrolling the remaining text data after the partial text data," Figure 12 clearly describes the

opposite. For a proper anticipation rejection, "The identical invention must be shown in as

complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d

1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See MPEP §2131. In the present case,

Odamura fails show "scrolling means" and "control means" in as great a detail as recited in

the claim, as Odamura fails to describe any automatic scrolling. Consequently, Claim 1 (and

Claims 3, 4, and 7-10 dependent therefrom) cannot be anticipated by Odamura and is

patentable thereover.

Claims 5 and 6 recite in part "horizontally scrolling display of the partial text data and

remaining text data on the display area after receiving a command from a user, the remaining

text data being all the text data other than the partial text data, the horizontally scrolling

including obtaining the remaining text data from the database and *automatically* horizontally

scrolling the remaining text data after the partial text data" and "*automatically* vertically

scrolling other pieces of text data after automatically horizontally scrolling the remaining text

data after the partial text data." As noted above, Odamura does not describe, either explicitly

or inherently, automatic scrolling of data, much less *automatically vertically scrolling other*

pieces of text data after automatically horizontally scrolling the remaining text data after

the partial text data Therefore, Odamura does not teach "horizontally scrolling" and

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"automatically vertically scrolling" as defined in Claims 5 and 6 either. Consequently,

Claims 5 and 6 are also not anticipated by <u>Odamura</u> and are patentable thereover.

Claim 11 recites in part:

> *a scrolling unit configured to horizontally scroll display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling unit configured to obtain the remaining text data from the database and to automatically horizontally scroll the remaining text data after the partial text data, the scrolling unit configured to automatically vertically scroll other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.*

As noted above, <u>Odamura</u> does not teach any device configured to *automatically*

scroll data as recited in Claim 11. Thus, it is respectfully submitted that <u>Odamura</u> does not

teach "a scrolling unit" as defined in Claim 11. Consequently, Claim 11 (and Claims 13-18

dependent therefrom) is not anticipated by <u>Odamura</u> and is patentable thereover.

B. <u>Claims 4, 8-10, 14, and 16-18 are not unpatentable over Odamura in view of</u> <u>Negishi</u>
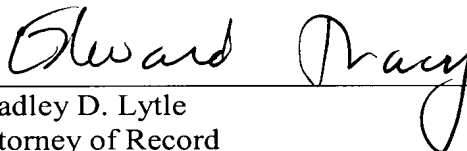
With regard to the rejection of Claims 4, 8-10, 14, and 16-18 as unpatentable over

<u>Odamura</u> in view of <u>Negishi</u>, it is noted that Claims 4, 8-10, 14, and 16-18 are dependent

from Claims 1 and 11, and thus are believed to be patentable for at least the reasons discussed

above. Further, it is respectfully submitted that <u>Negishi</u> does not cure any of the above-noted

deficiencies of <u>Odamura</u>. Accordingly, it is respectfully submitted that Claims 4, 8-10, 14,

and 16-18 are patentable over <u>Odamura</u> in view of <u>Negishi</u>.

Conclusion

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

Claim 1: A data display control device comprising:

a database storing a plurality of text data with at least a first length;

search means for searching the database for at least one piece of text data with the

first length, based on an input search key;

a hardware display including a display area configured to display text data from the

database, the display area having a width;

control means for obtaining partial text data with a second length that is smaller than

the first length and corresponding to the width of the display area, out of the at least one piece

of text data found by the search means, from the database, and to display the partial text data

on the display area; and

scrolling means for horizontally scrolling display of the partial text data and

remaining text data on the display area after receiving a command from a user, the remaining

text data being all the text data other than the partial text data, the scrolling means obtaining

the remaining text data from the database and automatically horizontally scrolling the

remaining text data after the partial text data, the scrolling means automatically vertically

scrolls other pieces of text data after automatically horizontally scrolling the remaining text

data after the partial text data.

Claim 2 (Canceled).

Claim 3: The data display control device according to claim 1, wherein the control

means obtains a text data part, that is larger than the second length and smaller than the first

length, out of the at least one piece of text data found by the search means, with the text data

part added to the partial text data, from the database, and to perform horizontal scroll display on the display area.

Claim 4: The data display control device according to claim 1, wherein the control means controls to obtain a prescribed maximum number of data, out of a plurality of data found by the search means, from the database and temporarily store the prescribed maximum number of data in a storage medium, and displays a part of the prescribed maximum number of data on the display in accordance with a height of the display.

Claim 5: A data display control method comprising:

searching a database for at least one piece of text data out of text data with a first length, based on an input search key, the database storing a plurality of text data with at least the first length;

obtaining partial text data with a second length that is smaller than the first length and corresponding to a width of a display, out of the at least one piece of text data found in the searching, from the database, and to display the partial text data on the display in a display area having a height of one line of text data;

horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the horizontally scrolling including obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data; and

automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Claim 6: A computer readable medium including computer executable instructions, wherein the instructions, when executed by a processor, cause the processor to perform a method comprising:

searching a database for at least one piece of text data out of text data with a first length, based on an input search key, the database storing a plurality of text data with at least the first length;

obtaining partial text data with a second length that is smaller than the first length and corresponding to a width of a display, out of the at least one piece of text data found in the searching, from the database, and to display the partial text data on the display in a display area having a height of one line of text data;

horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the horizontally scrolling including obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data; and

automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Claim 7: The data display control device according to claim 1, wherein the display area has a height of one line of text data.

Claim 8: The data display control device according to claim 1, further comprising: speaker means for playing audio content.

Claim 9: The data display control device according to claim 8, wherein the text data is a title of the audio content.

Claim 10: The data display control device according to claim 8, wherein the text data is a name of an artist performing the audio content.

Claim 11: A data display control device comprising:

a database configured to store a plurality of text data with at least a first length;

a search unit configured to search the database for at least one piece of text data with the first length based on an input search key;

a hardware display including a display area configured to display text data from the database, the display area having a width;

a control unit configured to obtain partial text data with a second length that is smaller than the first length and corresponding to the width of the display area, out of the at least one piece of text data found by the search unit, from the database, and to display the partial text data on the display area; and

a scrolling unit configured to horizontally scroll display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling unit configured to obtain the remaining text data from the database and to automatically horizontally scroll the remaining text data after the partial text data, the scrolling unit configured to automatically vertically scroll other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Claim 12 (Canceled).

Claim 13: The data display control device according to claim 11, wherein the control unit is configured to obtain a text data part, that is larger than the second length and smaller than the first length, out of the at least one piece of text data found by the search unit, with the text data part added to the partial text data, from the database, and to perform horizontal scroll display on the display area.

Claim 14: The data display control device according to claim 11, wherein the control unit is configured to obtain a prescribed maximum number of data, out of a plurality of data found by the search unit, from the database and temporarily store the prescribed maximum number of data in a storage medium, and to display a part of the prescribed maximum number of data on the display in accordance with a height of the display.

Claim 15: The data display control device according to claim 11, wherein the display area has a height of one line of text data.

Claim 16: The data display control device according to claim 11, further comprising: a speaker configured to play audio content.

Claim 17: The data display control device according to claim 16, wherein the text data is a title of the audio content.

Claim 18: The data display control device according to claim 16, wherein the text data is a name of an artist performing the audio content.

Claim 19 (Canceled).

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.